

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

DR. DAVID BRUCE ALLEN

PLAINTIFF

v.

Civil No. 1:12-cv-57-HSO-RHW

JACKSON COUNTY, MISSISSIPPI, *by and
through its Board of Supervisors,*
JACKSON COUNTY SHERIFF'S DEPARTMENT,
MIKE BYRD, *Sheriff, officially and in his
individual capacity,*
JACKSON COUNTY NARCOTICS TASK FORCE, *and*
UNKNOWN JOHN AND JANE DOES A-Z

DEFENDANTS

**ORDER GRANTING DEFENDANTS' MOTION TO DISMISS THE JACKSON
COUNTY BOARD OF SUPERVISORS, JACKSON COUNTY SHERIFF'S
DEPARTMENT, JACKSON COUNTY NARCOTICS TASK FORCE, AND
SHERIFF MIKE BYRD, IN HIS OFFICIAL CAPACITY**

BEFORE THE COURT is the Motion to Dismiss [11] the Jackson County Board of Supervisors, Jackson County Sheriff's Department, Jackson County Narcotics Task Force, and Sheriff Mike Byrd, in His Official Capacity, filed by the Jackson County Board of Supervisors, in its official capacity, Jackson County Sheriff's Department, Jackson County Narcotics Task Force, and Sheriff Mike Byrd in his official capacity (collectively "Defendants"). Plaintiff Dr. David Bruce Allen has not responded to the Motion or otherwise opposed it. For the following reasons, Defendants' Motion should be granted.

The Jackson County Board of Supervisors, Jackson County Sheriff's Department, and Jackson County Narcotics Task Force are not proper parties to this suit because they are not political subdivisions or separate legal entities in and of themselves but rather are merely extensions of Defendant Jackson County, Mississippi. *Bradley ex rel. Wrongful Death Beneficiaries of Bradley v. City of*

Jackson, No. 3:08-cv-261-TSL-JCS, 2008 WL 2381517, *2 (S.D. Miss. June 5, 2008)(collecting cases). Sheriff Mike Byrd, in his official capacity, should also be dismissed as a party because a claim brought against a governmental employee in his official capacity is actually a claim against the governmental entity itself. *See Kentucky v. Graham*, 473 U.S. 159, 166 (1985). Accordingly, while Jackson County, Mississippi, should remain a party at this juncture, the Jackson County Board of Supervisors, Jackson County Sheriff's Department, Jackson County Narcotics Task Force, and Sheriff Mike Byrd, in his official capacity, should be dismissed as parties.

IT IS, THEREFORE, ORDERED AND ADJUDGED that, the Motion to Dismiss [11] the Jackson County Board of Supervisors, Jackson County Sheriff's Department, Jackson County Narcotics Task Force, and Sheriff Mike Byrd, in His Official Capacity, filed by the Jackson County Board of Supervisors, in its official capacity, Jackson County Sheriff's Department, the Jackson County Narcotics Task Force, and Sheriff Mike Byrd in his official capacity, is **GRANTED**.

IT IS, FURTHER, ORDERED AND ADJUDGED that, the Clerk of Court shall correct the caption of this case by terminating the following parties: Jackson County Board of Supervisors, Jackson County Sheriff's Department, Jackson County Narcotics Task Force, and Sheriff Mike Byrd, in his official capacity.

SO ORDERED AND ADJUDGED, this the 1st day of July, 2013.

s/ Halil Suleyman Ozerden
HALIL SULEYMAN OZERDEN
UNITED STATES DISTRICT JUDGE